

**STATE OF MINNESOTA  
FOURTH JUDICIAL DISTRICT  
COUNTY OF HENNEPIN**

Sarah Ellingworth and  
Charleton Hawks,

Plaintiffs ,

v.

Officer Joel Doran, Sergeant Ryan  
McCann, and the City of Minneapolis,

Defendants.

Civil Action No. \_\_\_\_\_

**COMPLAINT**

**JURY DEMANDED**

For their Complaint, the Plaintiffs states the following:

**JURISDICTION**

1. This action is based on, and seeks redress for, violations of the United States Constitution and Minnesota's common-law therefore jurisdiction is proper pursuant to 42 U.S.C. §1983.

**VENUE**

2. Venue is proper in the County of Hennepin pursuant to Minn. Stat. § 542.09.

**PARTIES**

3. Sarah Ellingworth, a Plaintiff, is an adult female of who resides, and at all relevant times has resided in the state of Minnesota.
4. Charleton Hawks, a Plaintiff, is an adult male of who resides, and at all relevant times has resided in the state of Minnesota.
5. Both Plaintiffs shared a pet dog named Spaghetti.
6. Officer Doran is a licensed peace officer in the State of Minnesota and is employed by the City of Minneapolis, Police Department.
7. Sergeant McCann is a licensed peace officer in the State of Minnesota and is employed by the City of Minneapolis, Police Department.

8. The City of Minneapolis employs all of the individual peace officers in this case through its Police Department.

**FACTUAL ALLEGATIONS**

9. Plaintiffs re-alleges the previous allegations and incorporates those allegations herein by reference.
10. On November 1, 2017, an officer with the Minneapolis Police Department applied for “no-knock” search warrant for a property located at 2744 16th Avenue in Minneapolis.
11. Both Plaintiffs and Spaghetti lived at the property subject to the search warrant.
12. A week later, (November 8, 2017) the Minneapolis Police executed the search warrant on the property.
13. Defendant Doran was the first officer to enter the premises.
14. When entering the premises Defendant Doran encountered Spaghetti.
15. The Defendants were aware that Spaghetti was present prior to entering the Plaintiffs’ home.
16. The Defendants took no steps prior to entering the Plaintiffs’ home to prepare for a non-lethal encounter with Spaghetti.
17. The abrupt intrusion sparked Spaghetti to bark at the intruders.
18. Spaghetti did not charge or attack Defendant Doran.
19. Defendant Doran, nonetheless, shot Spaghetti twice, once in the head and once in the Spaghetti’s chest.
20. Having been twice shot, once in the head and once in the chest, by Defendant Doran, Spaghetti began yelping and spinning in circles.
21. Defendant McCann entered the residence after Defendant Doran shot Spaghetti.
22. He was able to move pass Spaghetti into other areas of the home.
23. Defendant McCann, nonetheless, shot Spaghetti two more times in Spaghetti’s head and neck area with his rifle.

- 24. Spaghetti did not pose an imminent threat when Defendant McCann shot him.
- 25. Spaghetti died from the gunshot wounds.
- 26. Both Plaintiffs have suffered significant emotional harm because the Defendants killed Spaghetti.

### **CLAIMS FOR RELIEF**

#### **COUNT I UNREASONABLE SEIZURE**

- 27. Plaintiffs re-alleges the previous allegations and incorporates those allegations herein by reference.
- 28. Defendants violated the Plaintiffs' rights under the Fourth Amendment to be free from excessive force in seizing Spaghetti by using deadly force.

#### **COUNT II TAKINGS CLAUSE VIOLATION**

- 29. Plaintiffs re-alleges the previous allegations and incorporates those allegations herein by reference.
- 30. Plaintiffs had property interest in Spaghetti.
- 31. The Defendants had no property interest in Spaghetti.
- 32. The Defendants deprived the Plaintiffs of that property interest in Spaghetti when they killed Spaghetti.
- 33. The Defendants have not compensated the Plaintiffs for taking their property.
- 34. The Defendants taking of the Plaintiffs property without just compensation violates the Taking Clause of the Fifth Amendment, made applicable to the states by the Fourteenth Amendment.

#### **COUNT III DUE PROCESS VIOLATION**

- 35. Plaintiffs re-alleges the previous allegations and incorporates those allegations herein by reference.

36. Plaintiffs had property interest in Spaghetti.
37. The Defendants had no property interest in Spaghetti.
38. The Defendants deprived the Plaintiffs of that property interest in Spaghetti when they killed Spaghetti.
39. The Defendants did not afford the Plaintiffs any due process before or after it deprived the Plaintiffs of their property interest in Spaghetti.
40. The Defendants taking of the Plaintiffs property without any process violates the Due Process Clause of the Fifth Amendment, made applicable to the states by the Fourteenth Amendment.

**COUNT IV**  
**COMMON LAW CONVERSION**

41. Plaintiffs re-alleges the previous allegations and incorporates those allegations herein by reference.
42. Plaintiffs had a property interest in Spaghetti.
43. The Defendants had no property interest in Spaghetti.
44. When the Defendants killed Spaghetti they committed a conversion of the Plaintiffs' property because:
  - a. The Plaintiffs had a property interest in conversion.
  - b. When the Defendants killed Spaghetti they deprived Plaintiffs of that property right.

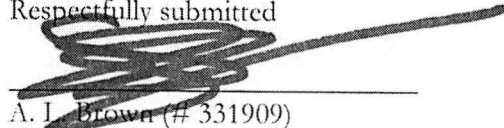
**PRAYER FOR RELIEF**

Wherefore, Plaintiffs pray for relief against the Defendants as follows:

45. For redress of all loss, harm, and injuries that resulted from the Defendants' unconstitutional acts.
46. For interest, where appropriate, on damages awarded.
47. For cost and attorneys' fees incurred in the prosecution of this action pursuant to, without limitations, 28 U.S.C. §1988 and Minn. Stat. §§363A.29 and 363A.33, Subd. 7.
48. Award such other relief as the Court deems just and equitable.

Dated: October 5, 2020

Respectfully submitted



A. L. Brown (# 331909)

Capitol City Law Group, LLC

The Allen Building

287 East Sixth Street, Suite 20

Saint Paul, Minnesota 55101

Telephone (651) 705-8580

Facsimile (651) 705-8581

E-Mail: A.L.Brown@cclawg.com

**ATTORNEYS FOR PLAINTIFF**